



SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

March 17, 2005

AFL 05-04

To: General Acute Care Hospitals

Subject: Information regarding R-01-04E: Licensed Nurse-to-Patient Ratio Regulations following the March 14, 2005 California Superior Court Order

On March 14, 2005, the California Superior Court enjoined enforcement of the emergency regulation pertaining to nurse-to-patient ratios, initially issued by the California Department of Health Services (CDHS) on November 12, 2004 (Rulemaking File R-01-04E). This court order voids the emergency regulation, leaving the original ratio regulations in place. (Rulemaking File R-37-01).

The CDHS is appealing the decision and requesting that the Court of Appeal stay the Superior Court order. While CDHS believes that the emergency regulation will ultimately be upheld, in the meantime, the original nurse-to-patient ratio regulations (R-37-01) are in effect.

This means that, immediately:

- The minimum licensed nurse-to-patient ratio in medical, surgical, medical/surgical, and mixed units is 1:5.
- Hospital emergency departments (EDs) must comply with the same requirements for nurses' assignments as all other units. They must document the assignment of the specific nurses to specific patients.

As a reminder, the only flexibility permitted in any unit of the hospital, including the ED, will be in the event of a "healthcare emergency" as defined at 22 CCR 70217(q). Further, the ratios must be maintained "at all times."

The regulations are available at <http://www.dhs.ca.gov/lnc/ntp/default.htm>. They are referred to as "Regulations Effective January 1, 2004" and are listed at the second bullet. The Emergency Regulations, enjoined by the Superior Court, are available at the same website at the first bullet, "Approved Emergency Regulations Effective November 12, 2004".

AFL 05-04
Page 2
March 17, 2005

CDHS understands that these changes, and the speed with which they must be implemented, may be difficult for your facility. However, the Court's order must be obeyed by facilities and enforced by CDHS.

Sincerely,

**Original Signed by
Brenda G. Klutz**

Brenda G. Klutz
Deputy Director